IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Bail Appl..No. 833 of 2007()

CRIME NO.36/06 OF EXCISE RANGE, PERUMBAVOOR

PETITIONER/ACCUSED:

KUNJAN @ KUKNCHERUKKAN, AGED 54 YEARS,
S/O. KUTTAPPAN, PUTHUSSERIL HOUSE, MANNOOR KARA,
IRAPURAM VILLAGE.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,EXCISE RANGE, PERUMBAVOOR, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. (INVESTIGATING OFFICER IN CRIME NO.36/06 OF EXCISE RANGE, PERUMBAVOOR).

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 833 OF 2007

Dated this the 19th day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.36/2006 of Perumbavoor Excise Range for offences punishable under Secs.55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of 3.5 liters of IMFL on 9.12.2006 and who was arrested on 18.12.2006, seeks his enlargement on bail.

2. The learned Public Prosecutor forcely admitted that no final report has been filed in this case even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Perumbavoor and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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